BEST COPY
AVAILABLE

MONTANA LEGISLATIVE HISTORY

Chapter 456 19 85

Bill H 858 S _____ Original bill & history ____C

H. Committee on Local Government			S. Committee on Business & Industry		
Hearing Date(s)	Mar 07	✓ C	Hearing Date(s)	Mar 27	✓ C
	Mar 12	✓ C		Mar 28	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	Mar 12	✓ C		Mar 29	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

4/18 SIGNED BY GOVERNOR
CHAPTER NUMBER 549 EFFECTIVE DATE: 10/01

HB 854 INTRODUCED BY KOEHNKE
ENHANCE PROTECTION AND RIGHTS OF PERSONS UNDER 1
YEARS OLD

2/19 INTRODUCED
2/19 REFERRED TO HUMAN SERVICES & AGING
2/22 HEARING
DIED IN COMMITTEE

HB 855 INTRODUCED BY GARCIA, KRUEGER
REGULATION AND LICENSING OF PERSONS PRACTICING
ROLFING

2/16 INTRODUCED
2/16 REFERRED TO BUSINESS & LABOR
2/16 FISCAL NOTE REQUESTED
2/20 FISCAL NOTE RECEIVED
2/21 HEARING
2/22 COMMITTEE REPORT-BILL PASS AS AMENDED
2/22 STATEMENT OF INTENT ATTACHED
2/25 2ND READING DO NOT PASS 71
2/25 BILL KILLED

HB 856 INTRODUCED BY MONTAYNE, DRISCOLL, ET AL.
UNLAWFUL CHARGES FOR MEDICARE COVERED PHYSICIAN
OUTPATIENT SERVICES

2/16 INTRODUCED
2/16 REFERRED TO HUMAN SERVICES & AGING
2/22 HEARING
DIED IN COMMITTEE

HB 857 INTRODUCED BY KEENAN, COHEN, ET AL.
IMPOSING REAL PROPERTY TRANSFER TAX

2/16 INTRODUCED
2/16 REFERRED TO TAXATION
2/16 FISCAL NOTE REQUESTED
2/22 FISCAL NOTE RECEIVED
3/07 HEARING
3/29 ADVERSE COMMITTEE REPORT
3/29 OBJECTION TO ADVERSE COMMITTEE REPORT
4/01 2ND READING DO NOT PASS
4/01 STATEMENT OF INTENT ATTACHED
4/01 BILL KILLED

HB 858 INTRODUCED BY HARRINGTON, QUILICI, ET AL.
MUNICIPAL AND REGIONAL PORT AUTHORITIES

2/16 INTRODUCED
2/16 REFERRED TO LOCAL GOVERNMENT
3/07 HEARING
3/13 COMMITTEE REPORT-BILL PASS AS AMENDED
3/16 2ND READING PASS
3/18 3RD READING PASS

TRANSMITTED TO SENATE

3/19	REFERRED TO BUSINESS & INDUSTRY		
3/27	HEARING		
3/29	COMMITTEE REPORT-BILL CONCURRED		
3/29	ON MOTION RULES SUSPENDED		
	PLACED ON 3RD READING 70TH DAY		
4/01	2ND READING CONCURRED	26	8
4/01	3RD READING CONCURRED	37	13
	RETURNED TO HOUSE		
4/08	SIGNED BY SPEAKER		
4/08	SIGNED BY PRESIDENT		
4/08	TRANSMITTED TO GOVERNOR		
4/12	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 456 EFFECTIVE DATE: 10/01/85		

859 INTRODUCED BY RAMIREZ, HAND
ALLOWS TRANSFER OF CERTAIN WATER USE PERMIT CASES TO THE DISTRICT COURT

2/16	INTRODUCED		
2/16	REFERRED TO NATURAL RESOURCES		
2/23	HEARING		
2/25	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/26	2ND READING PASS	91	0
2/27	3RD READING PASS	99	1
	TRANSMITTED TO SENATE		
3/06	REFERRED TO NATURAL RESOURCES		
3/25	HEARING		
3/26	COMM REPORT-BILL CONCURRED AS AMENDED		
3/29	2ND READING CONCURRED	50	0
3/30	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/08	2ND READING AMENDMENTS CONCURRED	96	0
4/08	ON MOTION RULES SUSPENDED		
	PLACED ON 3RD READING THIS DAY		
4/08	3RD READING AMENDMENTS CONCURRED	95	0
4/15	SIGNED BY SPEAKER		
4/15	SIGNED BY PRESIDENT		
4/17	TRANSMITTED TO GOVERNOR		
4/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 596 EFFECTIVE DATE: 4/22/85		

860 INTRODUCED BY D. BROWN, MARKS, ET AL.
STATE LIBRARY TO IMPLEMENT NATURAL RESOURCES INFORMATION SYSTEM AND NATURAL HERITAGE PROGRAM

2/16	INTRODUCED		
2/16	REFERRED TO STATE ADMINISTRATION		
2/16	FISCAL NOTE REQUESTED		
2/16	REREFERRED TO NATURAL RESOURCES		
2/22	HEARING		
2/22	FISCAL NOTE RECEIVED		
2/23	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/26	2ND READING PASS	94	0
2/27	3RD READING PASS	98	2

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 7, 1985

The meeting of the Local Government Committee was called to order by Chairman Paula Darko on March 7, 1985 at 3:10 p.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present, with Rep. Brandewie and Rep. Sands arriving late.

Chairman Darko called the committee's attention to the schedule of bills to be heard, which is at the front of the books. She said we only have scheduled one for Saturday and should be done with our work by the end of March.

CONSIDERATION OF HOUSE BILL NO. 858: Rep. Harrington of District #68, Butte, appeared before the committee as sponsor of this bill. He read the title, which is an act to establish municipal and regional port authorities; to provide for a tax levy for the operation thereof; to provide for port commissioners; to provide for the general power of a port authority; to provide for powers of eminent domain, for issuance of bonds, and for establishment of operation and use privileges; to provide for acceptance of federal aid for ports; and to provide for municipal cooperation in regard to port operation. He then read each section and briefly went over the contents of each section.

PROPONENTS: Richard Monaghan of Butte, said this bill is creating a statewide legislation for port authority. It is an economic development tool whose primary function is to provide port authority with the basis to expand.

Don Peoples, Chief Executive of Butte-Silver Bow, stated that Montana is an export state and we export a lot of raw materials but we are a very isolated state. Therefore, we have to utilize every tool that we have and that is why Butte-Silver Bow supports this bill. It is an economic development tool that can be utilized in Montana. The local government is the authority that will create the port district. It puts the control where it rightfully belongs. He said he doesn't have any trouble with airport authority. In Montana, economic development needs every tool it can get, and this is an important step in developing that concept. The Port of Montana has been in Butte for the past 12 years and is important to the community. The Butte-Silver Bow community is in support of this bill and asks for a Do Pass.

Gordon Morris, Montana Association of Counties, said they would like to support HB 858; however, he would like to call the committee's attention to an oversight on the part of the sponsor.

The bill speaks to the creation of port authorities, and this is really more a function of county government rather than municipal. He suggested an amendment that would incorporate language to make it municipal and/or county. In order to be consistent, the bill needs to have "counties" added throughout. They would be in support of the bill for economic development.

Rick Griffith, Director for the Port of Montana, stated they are trying to get the profits that go into an adventure like this back to the people. It takes small shippers and puts them into a larger pool. They stand in support of the bill.

Dave Brown, Representative from District #72, felt the committee should know that we are dealing with land locked commodities that come out of the state. This legislation has some limits within the system. This bill has the same legislation as airport authorities. He urged the committee's support of the bill.

Bill Fogarty, representing the Safety Division of the Department of Commerce, said he would like to rise in support of the bill as it is important to improve facilities that will help the state to compete in the market place. Transportation is a key element.

OPPONENTS: There were no opponents present.

In closing, Rep. Harrington said he has no problem with the proposed amendment which would include county authority as well as municipal authority. In many of the areas across the state economic development is a problem and this is a tool to move in that direction. He said they have to have the Port of Montana in Butte, but others can develop this. In the future it will be an asset.

DISCUSSION OF HOUSE BILL NO. 858: Rep. Gilbert asked Rep. Harrington about the right of eminent domain in that they can acquire transportation storage facilities. Rep. Gilbert wondered if he would be forced to sell, give, or whatever, his property for this purpose. Rep. Harrington replied it would be developed under state law, under eminent domain. This bill would not touch this and it would only fall under municipalities or commissioners to use eminent domain.

Rep. Gilbert then said that in reading the bill he understood the board could use the power of eminent domain. Could the committee give the elected officials the right? Rep. Harrington answered that he would have no problem with that. Rep. Gilbert then asked Rep. Harrington about the records that the board "may" require and county commissioners "may" levy. Rep. Harrington said it would be alright with him to put in "may".

Rep. Hansen asked to be given an example of where and why eminent domain is used. Mr. Griffith of the Port of Montana said that is

a very touchy question. From a legal point of view he is not qualified to answer. Rep. Hansen said the eminent domain issue is something that has always bothered her and wondered why it is used. She was told that the only people it could be applied to is a government entity. If an airport wants to expand its airfield they would need to use that land.

Mr. Peoples said that to exercise the power of eminent domain there has to be reasonable and just compensation for it. The local government should be the one to exercise the power of eminent domain rather than the port authorities.

Rep. Wallin asked Rep. Harrington if the 2 mills is the same mills that handle the airports. He wanted to be sure that he is not asking for more money than is already provided by law. Rep. Harrington replied that he is not asking for an additional levy. It is more or less up to the powers of the county commissioners or the city or town council to see that it is used correctly.

Rep. Kitselman wondered about section 16 which limits the debt service fund to $5 million. That may be adequate at this time but he felt that this might be capping funds that might be needed for future use. Mr. Monaghan said the state of Washington Port Authority was the very first to do this and the bill has been amended many times. The $5 million cap is realistic at the present time, but will have to be changed in the future. Rep. Kitselman then said he is concerned about the percentage and wondered if the bonding capacity is there. Mr. Peoples said in Butte they have a long way to go to reach their limitation of bonding.

Rep. Sands asked if section 12 on page 10 is a new tax authority and that he thought the committee had been told there isn't any new taxing authority. He was told this is patterned after airports and that it was not their intention that it would be an additional tax. Rep. Sands then asked what can be done in this bill that is not already being done now in the Port of Butte. He was told they are constantly faced with their future expansion and need the ability to sell bonds. Montana is a state that totally depends on exports. The industry is new, transportation is just 20 years old and the new authority doesn't apply. It is an impossible burden for private enterprise to carry this. They have had a great deal of help from the state of Montana for their grain facilities.

Rep. Switzer told Mr. Monaghan that he referred to the Washington Port Authority frequently and wondered if this was patterned after the Washington authority. It is patterned after one that is working well. Mr. Monaghan said they have simplified it to some extent. Rep. Switzer then said his main concern is the

simplicity in establishment which is by resolution of the county commissioners. He wondered if other authorities are as simple as that. Mr. Monaghan replied that they can be and there is a port in Moses Lake with a population of 10,000.

Rep. Brown asked Mr. Monaghan whether on page 16 they are not adding more levies and sharing the 2 mill levy as used by airports. Mr. Monaghan said he believes it is a separate levy. Rep. Brown said he thought that is how it was meant to be and Mr. Monaghan replied it should be a separate levy. Rep. Wallin said that is the same question he asked and Mr. Monaghan told him it was the same levy that had been split another way.

Rep. Fritz asked Rep. Brown how this differs from the powers of the business improvement district and Rep. Brown replied business improvement districts are meant to improve downtowns. This one is to improve ports, transportation, etc.

CONSIDERATION OF HOUSE BILL NO. 870: Rep. Dave Brown of District #72, sponsor of the bill, said this bill will help the funding woes of the cities, towns and counties of this state, and in the process, generate some revenue for the general fund. The formula put together to fund cities and counties was done to replace losses in revenue that will result from the anticipated collapse of the block grant motor vehicle replacement program. This bill provides for funding of the district court operations which cost $6.6 million and provides additional funding for municipal and county governments. This bill returns, and makes available to the general fund, $6.4 million which is sorely needed. Page 3, lines 1 through 12 shows increases of $20, $12.50 and $7 for automobile fees, and page 4, lines 3 through 5 shows the $5.00 fee to be used for funding district courts which comes from the light vehicle fees.

PROPONENTS: Alec Hansen, representing the Montana League of Cities and Towns, said they have come before the Legislature many times in this session as there is a desperate need for alternative financing for Montana's cities and towns. Tax values of cities and towns has gone up 41% which is 1/2 the rate of inflation. We are caught between a "rock and a hard place". People are paying higher taxes for a reduced level of service and Mr. Hansen said we can't go back to the homeowners to finance the fading system of funding in Montana. HB 870 is a logical and workable alternative to the continued dependency on property taxes in Montana. It will guarantee full funding of the motor vehicle replacement program of $4 million, it will provide full funding of district courts at $6.6 million for the biennium, it will return $6.4 million to the general fund, and will provide $7.8 million in additional funding to the block grant fund. Cities and counties in the state are working on a very narrow margin. If cities, counties

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Mar. 7, 1985

NAME	PRESENT	ABSENT	EXCUSED
Paula Darko, Chairman	✓		
Norm Wallin, Vice Chairman	✓		
Ray Brandewie	✓ late		
Dave Brown	✓		
Harry Fritz	✓		
Stella Jean Hansen	✓		
Bob Gilbert	✓		
Mike Kadas	✓		
Les Kitselman	✓		
Paul Pistoria	✓		
Bing Poff	✓		
Walter Sales	✓		
Jack Sands	✓ late		
Dean Switzer	✓		

Please attach to minutes.

VISITORS' REGISTER

Local Government COMMITTEE

BILL NO. HB 858 DATE March 7, 1985

SPONSOR Rep. Harrington

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Frank T. Williams	Hamilton Mt	✓	
G. Morris	MACo	✓	
~~[illegible]~~ R. L. MONAGHAN	BUTTE, MT.	✓	
BILL FOGARTY	Helena, Mt	✓	
Rick Griffith	Butte Mt	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 12, 1985

The meeting of the Local Government Committee was called to order by Chairman Paula Darko on March 12, 1985 at 3:45 p.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present. Rep. Brown and Rep. Kitselman arrived late.

Chairman Darko read the order of bills to be heard. SB 38 was first on the agenda, but as Senator Mazurek had not arrived yet, the committee went into executive session for action on bills.

DISPOSITION OF HOUSE BILL NO. 858: Rep. Sales made the motion that HB 858 DO PASS, and this was seconded by Rep. Pistoria. Lee Heiman, Committee Counsel, explained the amendments. Number 5 takes out the power of eminent domain; #7 changes "shall" to "may", amendment #11 takes the $5 million bonded indebtedness out of the bill, and amendments 12, 13, and 14 make it explicit that there are two separate mill levies.

Rep. Sales asked about including counties, and Lee Heiman said they are not counted.

Rep. Hansen moved the amendments, which were submitted by a subcommittee which consisted of Rep. Kitselman, Rep. Sands, Rep. Brown and Rep. Fritz. This was seconded by Rep. Kadas.

Rep. Sands asked Lee Heiman if these amendments make it clear that there are two different kinds of tax levies. Lee answered that there are two levies, one for airports and landing fields, and the other for ports. There are two mills for each.

Rep. Gilbert then asked Lee Heiman if the last amendment couldn't be construed to pertain to two mills, and Lee explained that the authority to two mills is the subsection above.

Question being called for, the amendment PASSED favorably.

Rep. Hansen then moved to DO PASS AS AMENDED HB 858, seconded by Rep. Kadas.

Rep. Brandewie asked Lee Heiman if there is anything to prevent the port authority from using the two mills that the airport has. Lee Heiman responded that it is separate, two mills for each. It can't be four mills for one or the other.

Senator Mazurek arrived; therefore, Rep. Darko told the committee they would take this up after they had heard the hearings.

CONSIDERATION OF SENATE BILL NO. 38: Senator Mazurek of District 23 appeared before the committee as sponsor of SB 38. He stated it was introduced at the request of the Department of Revenue, and the Revenue Oversight Committee. The bill is very simple. There has been some opposition generated since it passed the Senate. The bill will eliminate the burden on county assessors and clerks and recorders to make changes to the assessment book. When an assessment is made, it is included on the tax records of the county. If the taxpayer appeals to the county tax appeal board, the county can come in and ask the clerk and recorder to change the books. Every time there is a change made, it affects the total property taxpayer valuation. This bill says they don't have to make any adjustments on the books until the appeal process is final. If there is no administrative appeal then at that point the decision is final and should be entered on the books. This bill will make the change only once and that is when the assessment is final.

PROPONENTS: Gregg Groepper, representing the Department of Revenue, said this started with an out of state taxpayer who contended they were not liable for taxes. They went to the district court for a restraining order. The state tax appeal board found in favor of the department of revenue, and now the matter is before the district court. If there is a dispute the treasurer puts that money into an account.

Dick Michelotti, vice president of the Montana Treasurers' Association, stated he stands up in favor of the bill and asked the committee's support of the bill.

OPPONENTS: Dennis Burr, representing the Montana Taxpayers' Association, said when this was heard in the Senate, it was a warm fuzzy bill. When it was heard before the Senate it was a bill that would save the clerks and recorders some paper work. If the county tax appeal board should change an assessment book, the clerk and recorder makes the change immediately. It is easier for a clerk and recorder to change an assessment than to make a refund, so he doesn't see how this will

Rep. Kitselman wanted ask Mayor Van Arsdale or the commissioner from Billings, but they had left. At the time Rep. Kitselman left to come here they had been working on a matter. They had meetings with the county commissioners and city council, and even the chief of police and the sheriffs. The sheriff has agreed to patrol areas that used to be in the city. They had a group study what the equity was, and it came up to over $1 million. The city citizens pay for the sheriff's budget and also pay for the police department.

Dwight Mackay of Billings said the first thing he must say is that a commissioner represents not only the rural areas but also the citizens in the city. Until we have a consolidated government we will have budget battles between the cities and the counties, and this is true in every county in Montana. We are working on interlocal agreements, and law enforcement is only one issue that needs to be addressed.

Rep. Sands asked Mr. Hansen about the adoption of the plan of the interlocal cooperative commission, and Alec Hansen said someone from Billings should answer this. Mr. Mackay said they would provide the city or the city would provide the county with a proposal and they would interact in the interlocal commission.

Rep. Patterson was asked to carry this bill.

The committee then went back into executive session to act on HB 858, and Rep. Hansen's motion of DO PASS AS AMENDED.

Rep. Sands asked Rep. Brown if he has any comment on the question that this should be available to counties as well as cities, and Rep. Brown replied we are promoting another economic development tool and he doesn't have any problem with it. Rep. Sands asked him what he thinks about the requirement of submitting this to the approval of the voters, and Rep. Brown answered too much time is being spent sending it to the voters, that we are here to make the decisions for the people.

Rep. Sands asked if any indebtedness to the port would be a debt to the county, and Gordon Morris said he does not have a copy of the bill with him. If Rep. Sands is talking about the section on the $5 million debt limit, he would like to suggest that it definitely would have to be within the 23% limitation, which is the county's total debt limitation.

Rep. Sands moved an amendment to page 1, line 16 by putting in the requirement for voter approval before a

municipal port authority is created. This was seconded by Rep. Brown. Question being called for, motion passed, with Rep. Fritz opposed.

Executive session was then adjourned as Senator Blaylock appeared to present his bill.

CONSIDERATION OF SENATE BILL NO. 102: Senator Blaylock, District 43, presented the bill to the committee, and said it was at the request of the city clerk of Laurel. This bill would revise the type of documentation required for presentation of claims against a municipality. It stops one step of the process that has become useless and merely costs money. Claims need not be accompanied. What the city has had to do is send a claim to those who they owe money to and sometimes these claims didn't come back. Most cities have been charged extra money for this. The city has an audit trail, which would have to be dropped. The city is safe without an audit trail.

PROPONENTS: Bill Verwolf, representing the city of Helena and the Montana Municipal Clerks, Treasurers and Financial Officers, said that the primary reason for this bill is to make the administration of the cities more efficient. The required signing of claims has been a very time-consuming process. If someone has not done business with the city and if they have been out of town, the city has to turn it back and this makes a one to two week delay in the processing of the claim. He said they are asking that they pay on an invoice or letterhead type of billing, and think that is more businesslike and much more efficient. This requirement was eliminated for school districts years ago.

Alec Hansen, representing the Montana League of Cities and Towns, said they support this bill for the reasons explained by Mr. Verwolf. It costs money and wastes time for both sides, both the government and those they do business with.

Greg Jackson, Urban Coalition, said they look at this as a kind of housekeeping bill, and stand in support of it.

John Lawton, finance director for the city of Billings, said the process of having vendors signing claims has been a problem for them, as there is an endless paper-work problem with this. For this reason, they support the bill.

Chairman Darko said the city of Glasgow wishes to go on record in support of this bill.

Rep. Hansen also stated she wanted to go on record as a proponent, as she worked with his wife in Campfire Girls.

The whole Local Government Committee wanted to go on record in support of this resolution, as well as Gordon Morris of the Montana Association of Counties.

Senator Van Valkenburg closed his presentation. Rep. Stella Jean Hansen agreed to carry the bill.

The committee then went into executive session for action on bills.

DISPOSITION OF SENATE JOINT RESOLUTION NO. 20: Rep. Brown moved that SJR 20 BE CONCURRED IN, and this was seconded by Rep. Hansen. Question being called for, motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 858: Rep. Sands explained he was not trying to interfere with this bill, that an election isn't needed for revenue bonds. On page 7, there is a provision that creates comprehensive port zoning regulations, on page 8, lines 18 through 20, the authority may introduce a 30-year contract, and the port authority can decide who can do best at the port. Rep. Brown said the governing body does have the authority. People are elected to take stands and not take it back to the people all the time.

Rep. Sands then moved the amendment, to go for voter approval, and this was seconded by Rep. Switzer. Question was called for, and motion FAILED.

Question was then called on the original bill to be amended.

Rep. Brandewie asked Rep. Brown about subsection 6, on page 7. Rep. Brown said the amendment took that section out. Lee Heiman explained that is amendment #4.

Question being called for on Rep. Hansen's motion of DO PASS AS AMENDED, and motion PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 31: Rep. Brown made the motion of BE CONCURRED IN, and this was seconded by Rep. Hansen. Question being called, motion PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 102: Rep. Brown moved that SB 102 BE CONCURRED IN, seconded by Rep. Fritz. Question being called for, motion PASSED UNANIMOUSLY.

CS-5)

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date March 12, 19

NAME	PRESENT	ABSENT	EXCUSED
Paula Darko, Chairman	✓		
Norm Wallin, Vice Chairman	✓		
Ray Brandewie	✓		
Dave Brown	late		
Harry Fritz	✓		
Stella Jean Hansen	✓		
Bob Gilbert	✓		
Mike Kadas	✓		
Les Kitselman	late		✓
Paul Pistoria	✓		
Bing Poff	✓		
Walter Sales	✓		
Jack Sands	✓		
Dean Switzer	✓		

Please attach to minutes.

STANDING COMMITTEE REPORT

March 13 19 85

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 858

FIRST MAJOR reading copy (color)

MUNICIPAL AND REGIONAL PORT AUTHORITIES

Respectfully report as follows: That HOUSE Bill No. 858

BE AMENDED AS FOLLOWS:

1. Title, line 4.
Strike: "MUNICIPAL"
Insert: "LOCAL"

2. Title, line 8.
Strike: "FOR POWERS OF EMINENT DOMAIN,"
Following: "BONDS"
Strike: ","

3. Title, line 13.
Following: "TOW"
Insert: "COUNTY AND"

4. Page 1, line 16.
Strike: "Municipal"
Insert: "Local"

DO PASS

CONTINUED

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

March 12 19 85

5. Page 1, line 17.
Following: "Any"
Insert: "county or"

6. Page 1, line 19.
Strike: "municipal"
Insert: "local"

7. Change "18" to "17" in bracketed internal references on:
Page 1, line 23.
Page 3, line 22.
Page 5, lines 1, 11, and 17.
Page 6, line 23.
Page 7, line 7.
Page 8, line 12.
Page 10, lines 2 and 22.
Page 12, lines 17, 13, and 19.
Page 13, lines 6 and 12.
Page 14, line 4.
Page 15, lines 3, 14, and 23.
Page 16, line 8.

8. Page 1, line 24.
Strike: "municipal"
Insert: "local"

9. Page 2, line 2.
Strike: "municipal"
Insert: "local"

10. Page 2.
Following: line 2
Insert: "county or"

11. Page 2, line 12.
Strike: "municipalities"
Insert: "local governments"

12. Page 2, line 23.
Following: "additional"
Insert: "counties or"

13. Page 2, line 24.
Strike: "municipality"
Insert: "local government"
Strike: "municipalities"
Insert: "local governments"

CONTINUED

Chairman.

March 12 1985

14. Page 3, line 3.
Strike: "municipal"
Insert: "local"
Strike: "municipality"
Insert: "local government"

15. Page 3, line 5
Strike: "municipal"
Insert: "local"

16. Page 3, line 6.
Following: "of the"
Insert: "county or"

17. Page 3, line 7.
Strike: "municipality"
Insert: "local government"

18. Page 3, line 9.
Strike: "municipal"
Insert: "local"

19. Page 3, line 12.
Strike: "municipalities"
Insert: "local governments"

20. Page 3, line 16.
Following: "A"
Insert: "county or"

21. Page 3, line 19.
Following: "the"
Insert: "county or"

22. Page 3, line 21.
Following: "the"
Insert: "county or"

23. Page 5, line 14.
Following: "of"
Insert: "county or"

24. Page 5.
Following: line 17
Insert: "county or"

25. Page 5, line 24.
Following: "the"
Insert: "county or"

CONTINUED

Chairman.

STATE PUB. CO.
Helena, Mont.

March 12 19 85

26. Page 6, line 1.
Following: "the"
Insert: "county or"

27. Page 6, line 19.
Following: "the"
Insert: "county or"

28. Page 7, line 12.
Strike: "eminent domain proceedings,"

29. Page 7, lines 17 and 18.
Strike: "eminent domain proceedings,"

30. Page 7, line 21.
Following: "authority,"
Insert: "county,"

31. Page 7, line 23.
Following: "authority,"
Insert: "county,"

32. Page 9, lines 12 through 20.
Strike: section 10 in its entirety
Renumber: subsequent subsections

33. Page 9, line 23.
Strike: "17"
Insert: "16"

34. Page 10, line 9.
Strike: "shall"
Insert: "may"

35. Page 10, line 23.
Strike: "14"
Insert: "13"
Strike: "15"
Insert: "14"

36. Page 11, line 15.
Strike: "17"
Insert: "11"

37. Page 12, line 19.
Following: "authority"
Insert: ", county,"

38. Page 12, line 22.
Following: "authority"
Insert: ", county,"

CONTINUED

Chairman.

March 17 19 85

39. Page 13, line 10.
Following: "of"
Insert: "any county or"

40. Page 13, line 12.
Strike: "municipality"
Insert: "local government"

41. Page 13, line 13.
Strike: "municipality"
Insert: "local government"

42. Page 13, line 18.
Following: the first "the"
Insert: "county or"

43. Page 13.
Following: line 22
Insert: "county or"

44. Page 13, line 25.
Following: "other"
Insert: "county or"

45. Page 14, lines 2 and 3.
Strike: "municipality having a population in excess of 10,000"
Insert: "local government"

46. Page 14, line 5.
Strike: "municipalities"
Insert: "local governments"

47. Page 14, line 8.
Strike: "municipalities"
Insert: "local governments"

48. Page 14, line 14.
Strike: "municipality"
Insert: "local government"

49. Page 14, line 15.
Strike: "municipality"
Insert: "local government"

50. Page 14, line 24.
Strike: "municipality"
Insert: "local government"

COMMITTEE

Chairman.

STATE PUB. CO.
Helena, Mont.

March 13 19 85

51. Page 15, line 2.
Strike: "municipality"
Insert: "local government"

52. Page 15, line 4.
Strike: "14(1)"
Insert: "13(1)"

53. Page 15, line 7.
Strike: "the"
Insert: "a"
Strike: "of $5,000,000"
Insert: "determined by the governing body"

54. Page 16, line 12.
Strike: "of not to exceed 2 mills"

55. Page 16, line 13.
Following: "town"
Insert: ":
(a) not to exceed 2 mills for airports and landing fields; and
(b) not to exceed 2 mills for ports"

56. Page 16, line 21.
Following: "mills"
Insert: "for airports, landing fields, or ports"

HB859.53
PCS

AND AS AMENDED,
DO PASS

STATE PUB. CO.
Helena, Mont.

REP. PAULA PARKO Chairman.

Subcommittee:
Kitselman, Sands, Brown, Fritz

AMEND HOUSE BILL 858, INTRODUCED COPY

1. Title, line 8.
Strike: "FOR POWERS OF EMINENT DOMAIN,"
Following: "BONDS"
Strike: ","

2. Change "18" to "17" in bracked internal references on:
Page 1, line 23.
Page 3, line 22.
Page 5, lines 1, 11, and 17.
Page 6, line 23.
Page 7, line 7.
Page 8, line 12.
Page 10, lines 2 and 22.
Page 12, lines 12, 13, and 19.
Page 13, lines 6 and 12.
Page 14, line 4.
Page 15, lines 3, 14, and 23.
Page 16, line 8.

3. Page 7, line 12.
Strike: "eminent domain proceedings,"

4. Page 7, lines 17 and 18.
Strike: "eminent domain proceedings,"

5. Page 9, lines 12 through 20.
Strike: section 10 in its entirety
Renumber: subsequent subsections

6. Page 9, line 23.
Strike: "17"
Insert: "16"

7. Page 10, line 9.
Strike: "shall"
Insert: "may"

8. Page 10, line 23.
Strike: "14"
Insert: "13"
Strike: "15"
Insert: "14"

9. Page 11, line 15.
Strike: "12"
Insert: "11"

10. Page 15, line 4.
Strike: "14(1)"
Insert: "13(1)"

11. Page 15, line 7.

Strike: "the"
Insert: "a"
Strike: "of $5,000,000"
Insert: "determined by the governing body"

12. Page 16, line 12.
Strike: "of not to exceed 2 mills"

13. Page 16, line 13.
Following: "town"
Insert: ":
(a) not to exceed 2 mills for airports and landing fields; and
(b) not to exceed 2 mills for ports"

14. Page 16, line 21.
Following: "mills"
Insert: "for airports or ports"

HB858.53
PC5

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 27, 1985

The forty-seventh meeting of the Business & Industry Committee met on Wednesday, March 27th in Room 410 of the Capitol Building. The meeting was called to order by Chairman Mike Halligan at 10 a.m.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL 721: Representative John Cobb, House District #42, Augusta, is the chief sponsor of this bill which was by request of the Secretary of State's office. It just clarifies certain business and nonprofit corporation laws. He noted the following changes have been made: a person will not have to file the number of directors, the foreign name registration fee is going to be just the actual cost, and articles of dissolution are brought up to date, and it would clarify that the secretary of state will handle involuntary dissolutions instead of the attorney general's office.

PROPONENTS: Larry Akey, from the Secretary of State's office, explained this is mostly a housekeeping measure to clean up language missed in the 1981 legislation. He urged support.

OPPONENTS: There were none.

Questions were called for and there were none.

The hearing was closed on House Bill 721.

DISPOSITION OF HOUSE BILL 721: Senator Goodover MOVED THAT HOUSE BILL 721 BE CONCURRED IN. The motion carried. Senator Thayer will carry the bill on the Senate floor.

CONSIDERATION OF HOUSE BILL 858: Representative Dan Harrington, House District #68, Butte, is the chief sponsor of this measure which establishes local and regional port authorities and provides for a tax levy for the operation. He explained it would set up a port authority similar to that of Seattle and the one in Butte. It would give the authority to set up within that port a commission comprised of 5 members and give the power for any community or region to set up a port if they desire. The local governments would have the authority to assess up to two mills for the revenue necessary to maintain the ports. It would be operated similar to airport authority boards.

PROPONENTS: Richard Monahan, General Manager of the Port Authority in Butte, feels that in order to continue operating this program and in order to aid agriculture and development across the state that other parts of the state should have the authority to establish ports also. He noted the port in Butte has been very successful and the states surrounding us

have had great success also.

Rick Griffiths, Director of the Port of Montana in Butte, explained this port just pulls units together and makes big shippers out of several small shippers and helps decrease the rates for freight as a result.

Gordon Morris, from the Montana Association of Counties, appeared in support of the legislation also.

OPPONENTS: There were none.

Questions were then called for from the committee. Senator Williams wondered how long the port had been in existance and was told since 1972. Rep. Harrington noted this would just give all areas of Montana the opportunity to set up a port if they so desired. Senator Goodover wondered if this would require a vote of the people before they would be able to assess the 2 mills and was told the local governments could decide this for themselves. Senator Weeding asked how they fund themselves now and was told by Richard Monahan they generate their own revenue. Senator Halligan asked about the definition of local government and was told by Rep. Harrington this meant the counties or the city governments.

Senator Thayer wondered if any other cities had applied to be a port. Rep. Harrington stated this would just give a city or county authority to set up a port if they desired. A regional port authority would be two or more counties banning together to form a port. Senator Gage asked if a public hearing would be held before an authority was set up and Rep. Harrington stated he felt one would be held within the local government of that particular county. Senator Weeding noted a technical difference in the way the term local government was worded throughout the bill which might have to be addressed.

Rep. Harrington stated in closing he felt a good spirit of community development needed to be established and felt this was a step in the right direction. The hearing was closed on House Bill 858.

CONSIDERATION OF HOUSE BILL 121: Representative Dennis Nathe, House District #19, Sheridan County, explained this is a bill to direct the Public Service Commission to prescribe a classification for electricity rates in areas where present utility rates have resulted in an adverse economic impact where they lack an alternative to electric heating. He noted some areas of the state do not have natural gas for heating and have had to rely solely on electricity or propane for energy. He noted they had had a flat rate for years and when the "Coyote" plant came on line for Montana Dakota Utilities, a 38% increase in rates was requested. At about the same time a group called "Action In Montana" requested a lifeline rate. The Public

ROLL CALL

BUSINESS & INDUSTRY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 3-27-85

SENATE SEAT #

NAME	PRESENT	ABSENT	EXCUSED
Chairman Halligan	X		
V-chrm. Christiaens	X		
Senator Boylan	X		
Senator Fuller	X		
Senator Gage	X		
Senator Goodover	X		
Senator Kolstad	X		
Senator Neuman	X		
Senator Thayer	X		
Senator Williams	X		
Senator Weeding	X		

Each day attach to minutes.

DATE March 27, 1985

COMMITTEE ON BUSINESS & INDUSTRY

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One Support	Check One Oppose
NE PHILLIPS	PACIFIC POWER & LIGHT	HB121		X
ICK GRIFFITH	PORT OF MONTANA	HB858	X	
ICK MONAHAN	" " "	"	X	
Bob Nelson	PSC	HB121	✓ w/ amend.	

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 29, 1985

The forty-ninth meeting of the Business & Industry Committee met on Friday, March 29, 1985 at 8 a.m. in Room 410 of the Capitol Building. The meeting was called to order by Chairman Mike Halligan.

ROLL CALL: The committee members were all present.

DISPOSITION OF HOUSE BILL 858: A short discussion of whether or not there should be a vote of the people to assess a mill levy was held. Senator Goodover felt there should possibly be language inserted to indicate a vote of the people was necessary.

Senator Neuman then MADE A MOTION THAT HOUSE BILL 858 BE CONCURRED IN. The motion carried. Senator Thayer and Senator Goodover voted "no". Senator Williams will carry the bill on the Senate floor.

DISPOSITION OF HOUSE BILL 532: Senator Fuller MADE A MOTION THAT HOUSE BILL 532 BE CONCURRED IN. Senator Thayer commented if this bill passes, it will destroy private parking lots because there is no other way for them to enforce paid parking. He felt if there was some other way to offer a remedy he would vote for the bill but the way the bill stands presently he felt was simply not fair to the parking lot operators. Senator Gage wondered about giving them the same rights as the city government has and was told their powers are limited and enforcement is a problem because they do not have the authority to collect the fines. Most people would pay their tickets but there are always habitual offenders. Senator Boylan felt tying a barrel to a car was absolutely ridiculous. Senator Christiaens noted that it having an adverse affect in downtown Great Falls businesses.

Senator Thayer made a substitute motion THAT HOUSE BILL 532 BE TABLED. On a roll call vote Senator Christiaens, Senator Boylan, Senator Fuller, Senator Gage and Senator Williams voted "no". The motion carried 6-5.

DISPOSITION OF HOUSE BILL 420: Senator Goodover understood the committee would await House Bill 354 dealing with repeal of licensing before taking final action. Senator Halligan explained there had to be some positive action and if necessary it could be rereferred from the floor.

Senator Weeding felt that a $25 fee was high enough for registration of the airports. He felt since the state already does this under contract with the FAA there was no need to establish a higher fee.

Senator Fuller stated that if House Bill 354 is killed then

ROLL CALL

BUSINESS & INDUSTRY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 3-29-85

SENATE SEAT #

NAME	PRESENT	ABSENT	EXCUSED
Chairman Halligan	X		
V-chrm. Christiaens	X		
Senator Boylan	X		
Senator Fuller	X		
Senator Gage	X		
Senator Goodover	X		
Senator Kolstad	X		
Senator Neuman	X		
Senator Thayer	X		
Senator Williams	X		
Senator Weeding	X		

Each day attach to minutes.

STANDING COMMITTEE REPORT

MARCH 29 85
19

MR. PRESIDENT

We, your committee on BUSINESS & INDUSTRY

having had under consideration HOUSE BILL No. 858

third reading copy (blue)
color

MUNICIPAL AND REGIONAL PORT AUTHORITIES
(Williams)

Respectfully report as follows: That HOUSE BILL No. 858

BE CONCURRED IN

~~XXXXXX~~
~~DO PASS~~

~~XXXXXXXXXX~~
~~DO NOT PASS~~

Sen. Mike Halligan
Chairman.